

REMARKS

The present application included pending claims 1, 4-10, 13-14, 16-19 and 21-23, all of which were rejected. In particular, claims 1, 4-6, 8, 14, 16, 18-19, 21 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,129,671 (“Hastings”) in view of U.S. 2003/0088781 (“ShamRao”) and U.S. 5,315,999 (“Kinicki”). Claims 7, 9, 10, 13, 17 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hastings in view of ShamRao, Kinicki and U.S. 6,260,021 (“Wong”). The Applicant respectfully traverses these rejections for at least the reasons previously discussed during prosecution and the following.

Claim 1 recites, in part, “wherein **user preference information with respect to imaging capabilities of said medical imaging device is associated with the stored biometric data and with the personal identification information.**” Claim 10 recites, in part, “wherein personal identification information and **user preference information with respect to imaging capabilities of said medical imaging device are associated with the stored biometric data.**” Further, claim 19 recites, in part, “storing **individual imaging preferences for the medical imaging system as user preference information and associating the user preference information with the biometric data and the personal information.**”

The Office Action acknowledges that “Hastings does not expressly teach the steps of inputting personal information into the system, associating biometric data extracted from the biometric identifier with the personal information, storing the biometric data and associated personal information after initial registration, and associating preference information with the stored biometric data and with the personal identification number.”

See August 19, 2008 Office Action at pages 2-3. In order to overcome these deficiencies, the Office Action cites ShamRao. *See id.*

ShamRao “relates to systems and methods for ensuring security and convenience using a computer readable card.” *See* ShamRao at [0002]. There is nothing in ShamRao or Hastings that describes teaches or suggests preference information at all. More particularly, there is absolutely nothing in Hastings or ShamRao that describes, teaches or suggests **“user preference information with respect to imaging capabilities of said medical imaging device,”** in general, or associating that user preference information with respect **to imaging capabilities of a medical device with “stored biometric data and with the personal identification information,”** in particular.

The Office Action even acknowledges that “Hastings and ShamRao do not appear to specifically disclose that the user preference information is with respect to imaging capabilities of the medical imaging device.” *See* August 19, 2008 Office Action at page 3. Thus, those two references cannot, by definition, disclose associating such user preference information with stored biometric data and with personal identification information.

To overcome these deficiencies, the Office Action relies on Kinicki. *See id.*

Kinicki discloses “sets of imaging parameter values are saved as preset modes.” *See* Kinicki at Abstract. The “ultrasound imaging system stores a plurality of sets of imaging parameter values, each set corresponding to a preset mode.” *See id.* at column 2, lines 54-56. Kinicki does not describe, teach or suggest that the system stores biometric data or associates the preset modes with biometric data. Instead, the preset modes are saved by a user who then “later **selects** one of the preset modes.” *See id.* at column 3,

lines25-30. In particular, the “user can select and deselect presets that are to appear on the touch panel 38 using the trackball 36 and the Enter key.” *See id.* at column 8, lines 54-57. Kinicki does not describe, teach or suggest, however user **associating** user preference information with respect **to imaging capabilities of a medical device with “stored biometric data and with the personal identification information.”** As noted above, neither Hastings or ShamRao describe, teach or suggest this limitation. Thus, because none of Hastings, ShamRao or Kinicki describes, teaches or suggests “**user preference information with respect to imaging capabilities of said medical imaging device is associated with the stored biometric data and with the personal identification information,**” the combination of the three references, by definition, also cannot describe, teach or suggest the limitation, as recited in claim 1.

Similarly, the proposed combination does not describe, teach or suggest “wherein personal identification information and **user preference information_with respect to imaging capabilities of said medical imaging device are associated with the stored biometric data,**” as recited in claim 10. Further, none of these references, alone or in combination with one another, describes, teaches or suggests a “method of using a medical imaging system comprising ... “storing **individual imaging preferences for the medical imaging system as user preference information** and **associating the user preference information with the biometric data and the personal information,**” as recited in claim 19.

Thus, for at least these reasons, the Applicant respectfully requests reconsideration of the rejection of claims 1, 10, 19, and the claims that depend therefrom.

The Applicant respectfully submits that the proposed combination of references does not render the pending claims unpatentable.

The Applicant also respectfully submits that the proposed combination of Hastings, ShamRao, Kinicki and Wong does not render claims 7, 9, 10, 13, 17 and 22 for at least the reasons discussed above.

In general, the Office Action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. The Applicant expressly reserves the right, however, to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a future claim rejection).

The Applicant respectfully requests that the outstanding rejections be reconsidered and withdrawn for at least the reasons discussed above. If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited to contact the undersigned attorney for Applicant.

The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account No. 07-0845.

Respectfully submitted,

Date: October 7, 2008

MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326